

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

=====X  
PHILIP PIDOT, NANCY HAWKINS and STEVEN  
AXELMAN, individually and as representatives of eligible  
Republican Party voters in Suffolk, Nassau and Queens  
Counties within New York's Third Congressional District,

Civil Action No.:  
16-cv-00859

Plaintiffs,

-against-

NEW YORK STATE BOARD OF ELECTIONS;  
SUFFOLK COUNTY BOARD OF ELECTIONS;  
NASSAU COUNTY BOARD OF ELECTIONS;  
BOARD OF ELECTIONS IN THE CITY OF NEW  
YORK; PETER KOSINSKI and DOUGLAS KELLNER,  
in their official capacities as Commissioners and Co-Chairs  
of the New York State Board of Elections; ANDREW J.  
SPANO and GREGORY P. PETERSON, in their official  
Capacities as Commissioners of the New York State Board  
of Elections; TODD D. VALENTINE and ROBERT A.  
BREHM, in their official capacities as Co-Executive  
Directors of the New York State Board of Elections;  
and JACK MARTINS,

**DECLARATION OF  
DAVID J. GUGERTY,  
DEMOCRATIC  
COMMISSIONER OF  
NASSAU COUNTY  
BOARD OF  
ELECTIONS**

Defendants.  
=====X

Pursuant to 28 U.S.C. § 1746, I, David J. Gugerty, declare and state as follows:

1. I am the Democratic Commissioner of the Nassau County Board of Elections (the "Nassau Board). I have held this position since January 2015.
2. I submit this Declaration to provide information in connection with the plaintiffs' application for an Order directing a Republican Party primary election for New York's Third Congressional District.
3. The Nassau Board has the ability to conduct a Congressional primary election on the already-scheduled primary election day, September 13, 2016. If the Court orders that the

requested primary election in the New York Third Congressional District be conducted on that date, then the Nassau Board can do so.

4. Should the Court issue such an Order by Friday, August 19, 2016, the Nassau Board would endeavor to transmit the necessary ballots to Military and Federal voters on Monday, August 22, 2016. This would be 22 days prior to the primary election.

5. There are 29 Republican Military voters in the Nassau County portion of the Third Congressional District. Of those, 25 have their email address on file for receipt of their ballots. While all of the Military voters would be sent a ballot by mail, those with email addresses on file also would be sent a ballot electronically, which can be printed, filled out and mailed back immediately.

6. There are 57 Republican Federal voters in the Nassau County portion of the Third Congressional District. Of those, 49 have their email address on file for receipt of their ballots. While all of the Federal voters would be sent a ballot by mail, those with email addresses on file also would be sent a ballot electronically, which can be printed, filled out and mailed back immediately.

7. The Nassau Board has a great deal of experience in conducting elections with preparation time truncated because of litigation. I am confident we could do so here if the Court so directs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 4th day of August, 2016.

  
DAVID J. GUGERTY